

CHAPTER 2 RENTAL OF PUBLIC SPACE

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200 ADMINISTRATION AND ENFORCEMENT

- 200.1 Public space rental permits shall be issued under the provisions of the D.C. Public Space Rental Act (the "Act"), D.C. Code §7-1001 *et seq.* (1981), and the provisions of this chapter.
- 200.2 The Director of the District of Columbia Department of Public Works (the "Director") shall have the following responsibilities under this chapter:
- (a) When a property owner requests the use of public space, the Director shall investigate the public need for that space, consider the proposed use of the space, and recommend to the Public Space Committee (the "Committee") approval or disapproval of the use;
 - (b) The Director, when he or she deems it necessary, shall inspect each space for which a permit application is received to determine compliance with the Act, this title, and the terms of the permit;
 - (c) The Director shall refer violations of the Act, the provisions of this chapter, the permit, or conditions requiring remedial action to the Director of Consumer and Regulatory Affairs; and
 - (d) If, as a result of the private use of surface space, an imminently dangerous condition is discovered, and public safety requires, the Director shall take any necessary steps to immediately remedy the situation.

- 200.3 The Public Space Committee shall, on recommendation from the Director, determine the public need for public space, what private use may be made of it, and what may be erected or installed in that space.
- 200.4 The Committee shall approve or disapprove all applications for the use of public space referred to it by the Director, and no permit for use of public space shall be issued without Committee approval.
- 200.5 The Director of Finance and Revenue shall render all bills and collect all rents and other charges for public space occupancy and use, as provided by law and regulation.
- 200.6 The Corporation Counsel, or his or her designee, shall institute and prosecute any action determined by the Corporation Counsel to be necessary by reason of any violation of the Act and this chapter.
- 200.7 The Director of Consumer and Regulatory Affairs shall take all of the following actions with respect to public space rental:
- (a) Receive all applications for permits to occupy or use public space, and refer them to the proper departments for review and approval or disapproval;
 - (b) In the case of vaults, determine the structural adequacy of proposed construction, investigate all questions of structural defects in existing vaults, and inspect vaults when necessary to determine their physical condition;
 - (c) If a vault or related construction is found to be in an imminently dangerous condition, and public safety requires, take any necessary steps to immediately remedy the situation;
 - (d) Issue all approved public space permits through the Permit Branch; and
 - (e) Investigate violations of the Act, this chapter, or the terms of the permit, and take necessary action to remedy the situation.
- 200.8 Any personal property placed on public space by the permittee shall be readily movable, and maintained in a good clean condition; and shall not be allowed to deteriorate, or become unsightly or dangerous to the public.
- 200.9 Prior to the issuance of an occupancy permit, any property owner who wishes to sublet public space, including surface space and space below the surface, shall file with the Director a notarized copy of the rental agreement covering the space to be sublet.
- 200.10 Permits for the use of surface space shall be subject to suspension or revocation for failure of the permittee to make use of the surface space for a period of more than twelve (12) months; and for failure to comply with this chapter, the specifications of the permit, or the plan required by §202.
- 200.11 The provisions of this chapter relating to the extent to which surface space may be occupied by the operator of a business abutting the space shall supersede any

other provisions of this title that may control the extent to which surface space may be occupied.

AUTHORITY: Unless otherwise noted, the authority for this chapter is An Act of April 23, 1892, 27 *Stat.* 21, ch. 53, §3, D.C. Code 1-1024 (1992 Repl. Vol.); as amended by An Act of July 11, 1919, 41 *Stat.* 69, ch. 7, as amended, D.C. Code §5-516 (1994 Repl. Vol.); by §§401 and 402 of Reorganization Plan No. 3 of 1967, effective August 11, 1967, D.C. Code Vol. 1 at 126 (1991 Repl. Vol.); by An Act approved October 17, 1968, 82 *Stat.* 1156, Pub. L. 90-596, D.C. Code 7-1001 *et seq.* (1995 Repl. Vol.); and §412 of the District of Columbia Self-Government and Governmental Reorganization Act, as amended, 87 *Stat.* 790, Pub.L. No. 93-198, D.C. Code §1-227(a) (1992 Repl. Vol.).

SOURCE: Article 43, §§2(a),(c); 3(l), (m) of the Police Regulations (May 1981); as amended by §4 of the District of Columbia Solid Waste Regulations Amendments Act of 1989, D.C. Law 8-31, 36 DCR 4750, 4753 (July 7, 1989).

EDITOR'S NOTE: The Building Code, the Fire Code, and the Electrical Code referred to in this title have been superseded by D.C. Law 6-216, Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987. The construction regulations existing prior to March 21, 1987, remain in effect for projects having reached specified stages of completion. D.C. Law 6-216 adopted the 1984 National BOCA Codes, and the 1985 D.C. Supplement to the National BOCA Codes. Effective November 27, 1992 (39 DCR 8665), the 1984 BOCA Codes, and the 1985 D.C. Supplement to the National BOCA Codes were superseded by the adoption of the 1990 BOCA Codes, and the 1992 D.C. Supplement to the BOCA Codes.

201 RENTAL OF SURFACE SPACE

- 201.1 The owners of commercial property abutting public space in areas zoned for the proposed use in the Zoning Regulations of the District may, subject to the provisions of this chapter, rent so much of the surface space on which their properties abut as the Committee determines is not needed for the use of the general public during specified times on specified days.
- 201.2 Space to be rented under this section shall not extend beyond the following limits:
- (a) Above a horizontal plane extending from the first floor ceiling of the adjoining building, or above twelve feet (12 ft.), whichever is the lesser;
 - (b) Beyond the curb line fronting the property as the line is established in the records of the Department of Public Works;
 - (c) Below the surface of the ground, whether paved or unpaved, within the area that is rented; and
 - (d) On either side beyond a line extending at ninety degrees (90°) to the property line from the intersection of the lot line of the permittee with the property line, as these lines are recorded in the office of the Surveyor of the District of Columbia; or, if the property line is on a curve, beyond a radial extending from the same point.
- 201.3 The owners of commercial property located in an area zoned R or SP, and occupied by a cafe or restaurant, may rent surface space for an outdoor cafe if the Board of Zoning Adjustment grants a special exception for the cafe, pursuant to the Zoning Regulations of the District of Columbia.
- 201.4 Each permittee shall pay rent for the surface space rented to him or her at the rate established by the Council, and set forth in the current schedule of rent. The current rent schedule shall be available from the Permit Branch.

- 201.5 The rent shall be payable annually in advance, unless the space is rented for a period less than a year. If a space is rented for less than a year, the rent shall be payable in advance for the entire rental period. Public space shall not be rented for less than one (1) month.
- 201.6 If the Director requires a permittee to relinquish part or all of the surface space rented by the permittee, the permittee may secure a refund commensurate with the space that is relinquished, and with the portion of the rental period remaining. The permittee shall apply for the refund in writing to the Director.
- 201.7 A refund shall be made to the nearest one-twelfth (1/12) of the annual rent.
- 201.8 A refund shall be made only after verification by the Director that all provisions of the Act and this chapter have been complied with.

SOURCE: Article 43, §§3(a)-(d) of the Police Regulations (May 1981); as amended by §2 of the Outdoor Sidewalk Cafe Act of 1977, D.C. Law 2-7 (April 22, 1977).

202 APPLICATION FOR SURFACE SPACE RENTAL

- 202.1 Application for the use of surface space shall be made to the D.C. Department of Consumer and Regulatory Affairs in duplicate, on the form prescribed for that purpose.
- 202.2 Each application form shall be accompanied by six (6) copies of a plat or drawing indicating, to scale, the amount of surface space the applicant is seeking permission to use.
- 202.3 Each application shall state with the following:
- (a) The nature of the proposed use;
 - (b) The type of equipment to be used; and
 - (c) The days of the week and hours of each day the applicant desires to use the surface space.
- 202.4 Each application for a permit for the occupancy and use of public space shall be signed by the owner of the abutting property.
- 202.5 Each application shall contain a statement by the applicant that he or she will, in consideration of being issued a permit for the use of surface space, agree to hold harmless the United States and the District, and the officers and employees of each of these governments, for any loss or damage arising out of the use of the space, or the discontinuance of any use.
- 202.6 Each applicant shall sign a statement that he or she understands and agrees to the following conditions:
- (a) That the applicant's use of surface space is to be temporary, on a day-to-day basis;

- (b) That the applicant shall not acquire any right, title, or interest in the space;
- (c) That the Director may, by written notice, require the permittee at any time to vacate all or part of the surface space he or she has been given permission to use;
- (d) That, upon demand to vacate the space, the applicant will promptly remove any personal property he or she placed on the space, or reimburse the District for the cost of moving the property; and
- (e) That the applicant shall have no recourse against either the United States, the District, or the officer or agents of either, for any loss or damage that occurs because of the applicant being required to vacate all or any part of the surface space that he or she had been granted permission to use.

SOURCE: Article 43, §§2(b), 3(e) of the Police Regulations (May 1981),

203 INVESTIGATION AND APPROVAL

- 203.1 Application for a permit to use surface space shall be subject to the approval of the Committee, on consideration of a recommendation by the Director.
- 203.2 The Director shall report whether the surface space being requested for use is needed for use by the general public on the days and at the times requested by the applicant.
- 203.3 The Director shall investigate and report as to the days a surface space is needed for public use, and as to those times during each day when the space may not be wholly or partly required for the use of the general public.
- 203.4 Subject to the investigation required by §203.3, the Director shall recommend to the Committee whether the Committee should approve the application for use, and specify any qualifications that should be attached to the approval.

SOURCE: Article 43, §3(f) of the Police Regulations (May 1981),

204 MAINTENANCE OF CLEAR PASSAGEWAY

- 204.1 Each applicant for a permit to use surface space shall demonstrate to the satisfaction of the Committee that the use to be made of the space will include provisions for the maintenance of a clear, unobstructed passageway not less than ten feet (10 ft.) in width at all points, entirely across the frontage of the property occupied by the applicant, parallel to the line of the street, and generally in the line of pedestrian traffic.
- 204.2 If the Committee finds that usually, or at certain periods during the day or evening, the flow of pedestrian traffic at a location is sufficiently light to permit a passageway narrower than ten feet (10 ft.), a passageway as narrow as six feet (6 ft.) may be approved by the Committee. Approval for the narrower passageway

may be given either at all times when the use of surface space is permitted, or for certain specified periods during the time when the use is permitted.

- 204.3 The width of the passageway or passageways approved by the Committee shall be indicated on the permit issued for the use of the surface space, and the space itself shall be marked to define the width of the passageways.
- 204.4 The markings of passageways shall be by one (1) or more painted white lines, each not less than four inches (4 in.) wide; or by other markings as may be required, extending across the total surface space the permittee is authorized to use.
- 204.5 The markings of passageways shall be done by the permittee in accordance with the directions of the Director.

SOURCE: Article 43, §3(g) of the Police Regulations (May 1981).

205 SUBMISSION OF APPLICATIONS TO THE FINE ARTS COMMISSION

- 205.1 Each application for a permit to use surface space abutting real property subject to the provisions of the "Shipstead-Luce Act" (D.C. Code §§5-410 and 5-411 (1981)) or the "Old Georgetown Act" (D.C. Code §§5-1101 through 5-1107 (1981)) shall be submitted by the Director of Consumer and Regulatory Affairs to the Commission of Fine Arts for its advice as to whether the proposed use of the surface space is in conformity with the intent and purposes of the applicable act.
- 205.2 If the Commission fails to advise the Director of its determinations within thirty (30) days, the Director may assume that the proposed use is in conformity with the applicable act.
- 205.3 Each applicant for permission to use surface space in an area subject to the provisions of either of the acts set forth in §205.1 shall submit with his or her application a full description, including one (1) or more sketches or renderings in color and perspective, of the use proposed to be made of the surface space, in order to permit the Commission to determine whether that use will be in conformity with the applicable act.

SOURCE: Article 43, §3(h) of the Police Regulations (May 1981).

206 ACCESS TO PUBLIC SPACE BY PUBLIC UTILITIES

- 206.1 Each public utility company that, according to the records of the District, operates or maintains any equipment or service in the area beneath the surface space for the use of which application is made shall be given an opportunity by the Director to inform the Director concerning the company's objections, if any, to the proposed use to be made of the space.
- 206.2 If any utility company fails, within fifteen (15) days after request for its recommendation, to notify the Director of any objection it may have to the use, the Director may assume that the company has no objection to the proposed use.

- 206.3 The District government and the several public utility companies operating in the District shall be permitted to have immediate access to manholes located in public space.
- 206.4 No objects or structures shall be placed on ventilation gratings over transformer manholes.
- 206.5 The District government and the utility companies shall have the right, under permit, to have access to all public space for the purpose of repairing or reinforcing existing facilities and to build new facilities.
- 206.6 The District government, the utility companies, and their officers and employees, shall be held harmless for any loss or damage arising out of their use of all or part of a public space, or for the interruption or discontinuance of use resulting from the performance of work under, on, or above a space by the District government or by any of the utility companies.

SOURCE: Article 43, §§3(i), j(13) of the Police Regulations (May 1981).

207 GENERAL CONDITIONS OF USE OF SURFACE SPACE

- 207.1 Each permit to use surface space under the authority of this chapter shall be subject to the conditions set forth in this section.
- 207.2 Public space shall be rented only to the owner of the abutting private property. The owner may sublet that space to his tenant upon filing a copy of the rental agreement for said public space with the Director as set forth in §201.
- 207.3 The space shall only be used for the activity or activities specified on the permit, in accordance with the requirements of these and any other applicable regulations.
- 207.4 The use of any space is temporary, and the user acquires no right, title, or interest in the space he or she is permitted to use.
- 207.5 The United States and the District, and the officers and employees of these governments, shall be held harmless for any loss or damage arising out of any use of public space, or the discontinuance of any use, whether the loss or damage is suffered by the permittee, the United States, the District, or by some third person.
- 207.6 The Director may require any space to be vacated upon demand, and its use discontinued. In either case, the permittee has no recourse against either the United States or the District for any loss or damage occasioned by any requirement to vacate or discontinue use of any public space.
- 207.7 If a permittee does not vacate or discontinue the use of the public space by the time specified by the Director, the Director may remove from the space any property left on it. Removal shall be at the risk and expense of the owner.
- 207.8 Any awning, umbrella, or other covering extending over or used on a surface space shall be flame-proofed; and the arrangement of any furniture or other property

placed on a surface space shall be in accordance with a plan proposed by the applicant, recommended by the Director, and approved by the Committee.

- 207.9 The permittee shall remove promptly any litter deposited on or in the vicinity of the surface space used by him or her, that results from the activity or activities conducted by the permittee on the space or on any area adjoining the space.
- 207.10 The permittee shall, at all times, conduct all activities in an orderly fashion.
- 207.11 The permittee shall, under permit duly issued by the District, provide lighting facilities adequate to light the activity or activities conducted by the permittee on the surface space during the evening or night.
- 207.12 The space shall be used for business purposes only during the hours specified on the permit authorizing use, and neither before nor after such hours.
- 207.13 The permittee shall post the permit issued to him or her for the use of surface space in a conspicuous location on the front of the premises occupied by the permittee, either on the exterior of the premises, or in a location where it may be seen from the exterior of the premises. The permit shall be located and lighted so as to be readily legible to a person on the public space in front of the premises.
- 207.14 No food may be consumed on public space unless table service is provided by a waiter or waitress, or unless an attendant is assigned to the area for maintenance purposes during all times the area is occupied by patrons.

SOURCE: Article 43, §§3(j)(1)-(11), (14-15) of the Police Regulations (May 1981); as amended by §6(b) of Enclosed Sidewalk Cafe Act of 1982, D.C. Law 4-148, 29 DCR 3361, 3367 (August 6, 1982).

208 ENTERTAINMENT AND MUSIC

- 208.1 No entertainment or music shall be provided or permitted for the enjoyment of the patrons of the establishment operated on public space by a permittee other than music as may be furnished by no more than three (3) musicians playing stringed instruments such as the violin, the viola, the cello, the double-base, and the guitar, and no more than one (1) accordion or concertina.
- 208.2 Music allowed under §208.1 shall not disturb the peace or quiet of the neighborhood, or the comfort or repose of any inhabitant of the neighborhood. This music shall not exceed sixty (60) dB(A) or the applicable decibel level for the zone from which the music emanates when measured at the property line of the establishment from which the music originates.
- 208.3 No music shall be played before or after the hours within which the music may be played as specified on the face of the permit issued for the use of the space, or later than 12:00 midnight.
- 208.4 There shall be no amplification or production of music by any electronic or mechanical means, including any electronic or mechanical reproduction of music and its dissemination by means of loudspeakers, whether by coin-operated or

non-coin operated phonographs or music boxes, by background music service, or by any radio or television set.

SOURCE: Article 43, §3(j)(12) of the Police Regulations (May 1981); as amended by §2 of the District of Columbia Noise Control Act of 1977 Amendment Act of 1986, D.C. Law 6-180, 33 DCR 7660 (December 12, 1986).

209 VEHICLE PARKING AND SALES

- 209.1 If the surface space is to be used for the parking of vehicles, either at a sales lot, a parking lot, a garage, a gasoline filling station, or other business property, the provisions of this section shall apply in addition to the other requirements of this chapter.
- 209.2 The vehicle parking area shall be paved to Department specifications.
- 209.3 Limits of the surface space to be used shall be delineated in accordance with Department specifications and requirements.
- 209.4 Vehicles shall not encroach beyond the marked limits in any manner, including the car or other overhang.
- 209.5 When the operator of a parking facility does not wish to rent surface space adjoining his or her establishment, no vehicle or other object shall encroach beyond the property line in any manner, including car or other overhang, and provisions to prevent an encroachment shall be made as provided in §606 of this title.

SOURCE: Article 43, §3(k) of the Police Regulations (May 1981).

210 ENCLOSED SIDEWALK CAFES

- 210.1 All structural materials used in an enclosed sidewalk cafe shall be easily demountable and capable of being removed within twenty-four (24) hours after notice, without damage to the sidewalk or public space that it occupies.
- 210.2 An enclosed sidewalk cafe may utilize a base wall of opaque material up to a maximum height of thirty-six inches (36 in.) from the sidewalk level.
- 210.3 All enclosing walls, doors, and windows, except for structural members, extending above the base wall, must be of a transparent material.
- 210.4 To maximize transparency, both the horizontal and vertical structural members shall be no more than ten inches (10 in.) wide.
- 210.5 No plumbing fixtures shall be installed in an enclosed sidewalk cafe. Heating, air-conditioning, ventilation, and electrical lighting may be installed, when authorized, in accordance with the applicable District codes and regulations.
- 210.6 Except as provided in §210.7, a sidewalk cafe may be enclosed only during the period from October 15th through May 15th.

- 210.7 If no inspection is required under this section or the Second Amendment to the D.C. Building Code, approved Sept. 21, 1977 (D.C. Law 2-18; 12 DCMR), a sidewalk cafe may be enclosed on any day when the National Weather Service predicts at 8:00 a.m. at the National Airport weather station that, within the next twenty-four (24) hours, the temperature may go above ninety degrees Fahrenheit (90° F.) or below sixty degrees Fahrenheit (60° F.); or if the chance of rain is fifty percent (50%) or more; or in the event of rain.
- 210.8 No enclosed sidewalk cafe shall project more than twenty feet (20 ft.) from the building line, or occupy more than sixty percent (60%) of available surface space; Provided, that all enclosed cafes shall be subject to the provisions of §204.
- 210.9 In addition to a permit to occupy public space issued under this chapter, an owner shall obtain a separate building permit for an enclosed sidewalk cafe in accordance with §314.3 of the D.C. Building Code (12 DCMR).
- 210.10 The Committee may waive the requirements of this section, in accordance with the procedures for a contested case under the D.C. Administrative Procedure Act (D.C. Code §1-1509 (1981)), if both of the following criteria are met:
- (a) The strict application of this section would result in exceptional practical difficulty because of the shape, topography, or other condition of the particular property or would result in undue hardship; and
 - (b) Relief can be granted without substantial detriment to the public good or the general purpose of this section.
- 210.11 Nothing in this section shall be construed to affect the operation or design of an unenclosed sidewalk cafe.
- 210.12 Nothing in this section shall affect any landlord-tenant relationship as established in a lease or judicial order in effect on the effective date of the Enclosed Sidewalk Cafe Act of 1982 (D.C. Law 4-148).
- 210.13 The design of a sidewalk cafe shall be approved by the Director.
- 210.14 Upon the recommendation of the Committee and within ninety (90) days of the effective date of the 1982 Act, the Director shall issue rules establishing standards for the design, traffic and pedestrian safety, and compatibility with the surrounding neighborhood for the rental of public space. These rules shall supplement the requirements of this section.

SOURCE: - Article 43, §§3(n), (o) of the Police Regulations (May 1981); as amended by §6(c) of Enclosed Sidewalk Cafe Act of 1982, D.C. Law 4-148, 29 DCR 3361, 3367 (August 6, 1982).

215 VAULTS: GENERAL PROVISIONS

- 215.1 No excavation or structural work of any kind, including abandonment, shall be done on a vault without a permit; nor shall any vault remain in public space unless authorized by a valid permit issued to the owner.
- 215.2 Vaults constructed on or after July 1, 1969, are subject to the provisions of the Act, and shall be subject to all applicable portions of all regulations of the District.
- 215.3 When, in accordance with §306 of the Act, the Director of Consumer and Regulatory Affairs serves a notice upon an owner informing him or her that the vault is unsafe, the owner shall immediately, upon obtaining the proper permit, make repairs or abandonment in accordance with the specifications of the Department of Consumer and Regulatory Affairs. Repairs or abandonment shall be completed within the time stated in the Director's notice.
- 215.4 Vaults shall not be used for any purpose prohibited by the Building Code (12 DCMR). Vaults may be used for storage of readily movable personal property, as sales or office space; for the storage of fuel; or for the parking of motor vehicles. Other uses not specifically forbidden by law or regulation may be approved by the Director if the Director finds it is in the public interest to do so.
- 215.5 Any person who violates any provision of §§215 through 219 of this chapter shall be punished by a fine not exceeding three hundred dollars (\$300), or by imprisonment for not more than ten (10) days for each and every day the violation continues.

SOURCE: Article 43, §§4(a), (c)(1), (f), (i), & (5) of the Police Regulations (May 1981).

216 VAULTS EXISTING BEFORE JULY 1, 1969

- 216.1 Under the conditions of the Act, all permits issued for vaults constructed prior to July 1, 1969, expire on that date; and the owner may elect to do one (1) of the following:
- (a) Abandon the vault;
 - (b) Retain and use the vault; or
 - (c) Maintain only a portion of the vault, abandoning the remainder.
- 216.2 The issuance of a permit for the purposes of retaining and using a vault under §215.2 shall be conditioned on the owner's having first executed and recorded an agreement with the D.C. Recorder of Deeds, on the form provided for this purpose obtainable from the Permit Branch. A certified copy of the recorded agreement shall be furnished to the Department prior to the issuance of a permit. Insurance, or other security, shall be secured and be in effect at the time a permit is issued.

SOURCE: Article 43, §4(b) of the Police Regulations (May 1981).

217 ABANDONMENT OF VAULTS

- 217.1 If a pre-Act vault is partially abandoned and partially retained under §215.2(c), application shall be made for a permit to abandon. The provisions of §215.3 shall apply to the portion maintained.
- 217.2 When an owner has notified the Mayor in writing of the abandonment of a vault, rent shall be charged until the Director has verified the abandonment.
- 217.3 Specifications for abandonment shall be secured from the Underground Locations Section, Department of Public Works. No rent shall be charged for any existing vault abandoned by December 31, 1969.
- 217.4 When an owner wishes to abandon a vault constructed after July 1, 1969, the provisions of this section regarding abandonment of vaults constructed before that date shall apply.
- 217.5 When abandonment is in connection with subway construction, the execution of an agreement between the owner and the Washington Metropolitan Area Transit Authority transferring full responsibility to the latter agency shall relieve the owner of all responsibility, including rent; Provided, that the owner notifies the Director in writing, and furnishes an executed copy of the agreement.

SOURCE: Article 43, §§4(b)(1), (c)(2), & (e) of the Police Regulations (May 1981); as amended by §4 of the District of Columbia Solid Waste Regulations Amendments Act of 1989, D.C. Law 8-31, 36 DCR 4750, 4753 (July 7, 1989).

218 ALTERATION, REPAIR, AND REPLACEMENT OF VAULTS

- 218.1 A vault may be altered, repaired, or replaced only under permit obtained and issued in accordance with applicable provisions of this chapter.
- 218.2 Where a new building is to be erected on property adjoining an existing vault, and the vault space is to be used immediately or shortly for the construction of a new vault, the existing vault may be sealed by construction of a solid masonry wall separating it from the private property.
- 218.3 In the case of a replacement vault under §218.2, the vault agreement and insurance shall remain in effect, and full responsibility shall rest on the owner. No rent, however, shall be charged for the space until the new vault is constructed, subject to the provisions of §§218.4 and 218.5.
- 218.4 If construction on the new building has not been started within six (6) months following the construction of the sealing wall, rent shall again be charged for the space occupied by the sealed vault at the previous rate until construction is started.
- 218.5 If construction is suspended after starting, and remains suspended for six (6) consecutive months, rent shall be charged as provided in §218.4 during the remainder of the period of suspended construction.

SOURCE: Article 43, §4(d) of the Police Regulations (May 1981).

219 INSTALLATION AND ALTERATION OF UTILITIES AND SURFACE CHANGES

- 219.1 When the Director considers it in the public interest to construct or authorize construction of any utility in, through, under, over, or in place of any vault, the Director shall request the Director of Consumer and Regulatory Affairs to serve a notice on the owner stating the need for the vault space, what portion is required, and the date by which it must be available.
- 219.2 Within the time specified in the notice required by §219.1, the owner shall do any work that is necessary to clear the required space.
- 219.3 The Director is authorized to accept an arrangement between the owner and the utility company under which the utility company shall do all or part of the required work on the vault in conjunction with the utility installation.
- 219.4 An arrangement as authorized by §219.3 shall not relieve the owner of any responsibility under the vault permit and the recorded agreement.
- 219.5 All abandonment or alteration effected by the utility company shall be under permit, and to Department specifications.
- 219.6 When any change proposed to be made in the roadway, sidewalk, or other surface adjoining a vault will affect the vault, the owner shall be notified as provided in §219.1; and he or she shall make all necessary modifications to the vault within the specified time.

SOURCE: Article 43, §4(h) of the Police Regulations (May 1981).

220 TAX SALES

- 220.1 Delinquent rent and charges shall be collected in the same manner as delinquent real estate taxes.
- 220.2 If any tax remains unpaid after two (2) years from the date it is levied, the Director of Finance and Revenue shall send to the property owner a notice of intent to advertise the property for tax sale.
- 220.3 The notice required by §220.2 shall state, as a minimum, the following information:
- (a) The date of the tax sale;
 - (b) The square and lot number of the property to be sold;
 - (c) The amount of tax due; and
 - (d) The last date on which the tax may be paid before the property will be advertised for sale.

SOURCE: Article 43, §4(g) of the Police Regulations (May 1981).

221 - 224 [RESERVED]

225 PUBLIC SPACE PERMIT FEES

225.1 The following schedule of fees shall apply to public space permits:

Abandonments

Where cut is made, for each street avenue
or alley \$24.00

Enclosed Parking

Fences, hedges, walls, wickets (each premise \$19.00

Grading

Roadways, sidewalks and alleys \$.00

Governor Pits

Governor pits with associated values and piping \$85.00

Hauling

Across sidewalks and curb \$36.00

Annual Permit

For a mobile crane, motorized concrete mixer,
or a dump truck as provided in 18 DCMR,
Vehicles and Traffic Regulations (for a
portion of a year the fee shall be prorated
on a monthly basis) \$85.00

For movement of overweight, overlength
and overheight tractor-trailer combina-
tions may be issued as provided for in
18 DCMR, Vehicles and Traffic Regulations.

A fee of thirty-six dollars (\$36.00) for
for each vehicle will apply hereafter for
a year, this fee shall be prorated on the
basis of nineteen dollars (\$19.00) issuance
fee plus three dollars (\$3.00) per
month \$36.00

Moving overweight, over length, overwidth
or overweight equipment, each move by
single trip excluding permits issued
to the federal government \$19.00

225.1 (Continued)

Miscellaneous

All miscellaneous permits primarily benefiting the applicant \$7.00

Minor conduit relocation due to moving bends and poles, not to exceed ten feet (10 ft.) \$24.00

Permits for test holes and test borings made for each street, avenue or valley by the prospective bidders on District of Columbia contract work shall be issued after approval of the application by the D.C. Department or agency administering the work under the work under contract \$24.00

Test holes or miscellaneous cuts, for each street, avenue or alley, also for C&P loading coils in existing manholes \$24.00

Paving, Repairing or Altering

Additional fee for any needed inspection of paving, repairing or altering of public space \$32.00/hr.

Commercial driveway \$36.00

Copings \$19.00

Curb and gutter \$.00

Leads, steps, and copings across parking \$19.00

Parking \$36.00

Residential driveway \$19.00

Tree space \$.00

Sidewalks \$.00

Poles, Wires and Aerial Cables

Aerial cables - each permit \$7.00

Installations of new poles or replacement of existing poles - each permit \$19.00

Overhead electrical connections and stringing wires on existing poles - each permit (Premises) \$7.00

225.1 (Continued)

Public Utility Companies

Capital Transit, complete track renewal \$85.00

Capital Transit Co., wheel rail renewal
where permit requires \$25.00C&P, Pepco, Weglco, Western Union, etc.
each premises connected \$24.00**Renewal**Duplicates or extensions of time
(excluding no fee permits) \$7.00**Repairs**For each street, avenue or alley in which
work is planned. This will not include any
relocation or alteration in size of depth \$24.00**Sewer**House connection and repairs (each premise)
(Permits for the adjustment of stop cock
boxes to grade shall be issued without fee.) \$22.00**Temporary Occupation of Public Space**Ladders and scaffolding placed in public
space in commercial and in alleys in all
zoned areas (see §225.2) \$7.00All other types of temporary occupancies
of public space \$19.00Use of sidewalk space by operators of abut-
ting businesses (see §201.1) \$139.00**Trees**

Treatment, cutting or trimming \$30.00

Transformer ManholesTransformer manholes and associated manholes
and conduit \$85.00**Water**

House connection and repairs (each premise) \$22.00

WGL GaugesWashington Gas Light gauge posts and
carboseal installations, for each
street, avenue or alley \$24.00225.2 Ladders and scaffolding placed in residential areas located on unpaved parking,
shall not require a permit.

225.3 A refund of public space permit fees shall be made as follows:

- (a) When no work has been done under authority of permit, the fee in excess of the cost of inspection to verify no work having been done, based on thirteen dollars per inspector hour (\$13.00/hr.), the cost of any engineering examination time previously devoted to approval of plans, based on twenty dollars per hour (\$20.00/hr.), plus nineteen dollars (\$19.00) administrative costs of "issuance and refund," shall be refunded at nineteen dollars per hour (\$19.00/hr.); or
- (b) When work authorized by permit has been only partially done and when the District is satisfied that no more work will be done under the permit, the fee in excess of the cost of any engineering plans examination based on twenty dollars per hour (\$20.00/hr.), cost of inspections made based on thirteen dollars per hour (\$13.00/hr.), plus nineteen dollars (\$19.00) administrative costs of "issuance and refund," shall be refunded at nineteen dollars per hour (\$19.00/hr.); or
- (c) If a request for refund is made within six (6) months from date of issuance and the permit and receipt are returned to the Permit Branch.

225.4 The penalty for a permit to abate notice of doing work without a permit shall be fifty percent (50%) of the fee.

225.5 Waiver of permit fees pertaining to all public space permits except those issued to the public utility companies. No permit fee shall be charged for the following:

- (a) Work done exclusively for the District government;
- (b) Changes in existing structures made at the request of the District Government; or
- (c) Work done exclusively for agencies of the United States Government.

225.6 No waiver of fees for public utility permits shall be charged for the following:

- (a) Work done exclusively for the District streets or traffic control lights;
- (b) Work done exclusively for District buildings and connections to the buildings;
- (c) Changes in existing structures made at the request of, or on order from the Mayor of the District;
- (d) For mains, conduits, or other structures laid or repaired in advance or new paving purely to avoid cuts, therein and as a result of notification to the permittee from the District that paving is contemplated;
- (e) Work done under contract for the District;

- (f) Work done to repair damages caused by construction done by the District or by a contractor for the District; or
- (g) Work done exclusively for agencies of the United States Government.

SOURCE: Final Rulemaking published at 27 DCR 3326, 3330 (August 1, 1980); as amended by Final Rulemaking published at 35 DCR 6744 (September 9, 1988).

299 DEFINITIONS

- 299.1 In addition to the terms and phrases defined in the Act (D.C. Code §7-1001 (1981)), when used in this chapter, the following words and phrases shall have the meanings ascribed, except in those instances where the context clearly indicates a different meaning:

Committee - the Public Space Committee of the District of Columbia as constituted by Commissioner's Order No. 69-502, September 3, 1969.

Department - the D.C. Department of Public Works. (D.C. Law 8-31)

Director - the Director of the Department of Public Works, or the Director's agent, representative, or designee.

Enclosed sidewalk cafe - any authorized enclosure of public space as a temporary structure adjacent to a restaurant that consists of no more than one (1) story constructed primarily of light, incombustible, or fire-resistant materials; that does not restrict egress from the properties abutting the restaurant adjacent to the cafe; and that can be removed within a twenty-four (24) hour period.

Unenclosed sidewalk cafe - any authorized use of public space adjacent to a restaurant that contains tables, chairs, railings, or planters, that is open to the sky and at the sides, but may include awnings or umbrellas, and that can be removed within a twenty-four (24) hour period.

Surface space - all the space between the building line and the curb, regardless of whether the space is paved or unpaved.

SOURCE: Article 43, §§2(b), 3(e) the Police Regulations (May 1981); as amended by §4 of the District of Columbia Solid Waste Regulations Amendments Act of 1989, D.C. Law 8-31, 36 DCR 4750, 4753 (July 7, 1989).